

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA)
)
 Plaintiff,)
)
 v.) Case No. 03-CR-00350-W-HFS
)
 KALISE S. WHITE)
)
 Defendant.)

ORDER

Defendant seeks relief from her ten year sentence in a crack cocaine case because new legislation would use a five year statutory minimum for the quantities which governed her sentence. She has benefitted modestly from an earlier sentencing guideline reduction allowed by Judge Smith.

The new legislation does not reduce the statutory minimum for conduct previously used in sentencing. Although retroactive application may seem “fair,” particularly to those seeking relief, the appellate courts, including the Eighth Circuit, have rejected such retroactive use of the new law. United States v. Brewer, 624 F.3d 900, 909 n.7 (8th Cir. 2010); United States v. Reevey, 631 F.3d 110 (3rd Cir. 2011), and cases cited.

The motion to reduce sentence (ECF doc. 176) is therefore DENIED. No certificate of appealability will be granted.

/s/Howard F.Sachs
HOWARD F. SACHS
UNITED STATES DISTRICT JUDGE

March 17,2011

Kansas City, Missouri